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SUBJECT: DPKO HOPES CLARIFICATION OF KOSOVO PLAN WILL EARN  
USG SUPPORT

REF: (A) USUN 429 (NOTAL) (B) STATE 52042

Classified By: Ambassador Zalmay Khalilzad for Reasons 1.4 B/D.

11. (C) SUMMARY. DPKO's European Chief Harland told DepPolCouns and Poloff on May 16 that Secretary-General Ban has asked him to clarify his proposed way forward on Kosovo in the aftermath of what Under Secretary-General Guehenno reported as a very difficult May 9 conference call with Quint political directors. Harland said Ban and Under Secretary-General Pascoe are convinced that the Quint, especially the U.S. and UK, misunderstand Ban's proposal as a UN attempt to re-negotiate substantive aspects of the Ahtisaari Plan with Belgrade and Moscow. Rather, Harland insisted, Ban proposes to have UNMIK engage in a good faith dialogue with Belgrade as a means of gaining Russian acquiescence to Ban's reconfiguration of UNMIK in anticipation of Kosovo's new constitution taking effect on June 15. Harland sees no inconsistency between this effort and the Ahtisaari Plan or the Quint nonpaper and reports that SRSG Rucker and Kosovo PM Thaci are supportive in principle of the Ban initiative as a pragmatic means of facilitating EU deployment in Kosovo under a temporary UN umbrella. To DepPolCouns concern that the UN seems to be proposing an expansive role for itself improperly negotiating matters directly involving Kosovo's political status, Harland disagreed. He said the UN is proposing merely to "kick the can down the road" on the six Samardzic subjects (police, courts, customs, transport, boundary control, and cultural heritage) long enough to allow the reconfiguration of UNMIK with Russian acquiescence. Harland closed the meeting by saying he would repeat his attempt at clarifying the UN proposal for the other Quint members and that Ban would directly approach Ambassador Khalilzad about a USG "green light" to transmit the proposal to the Security Council. END SUMMARY.

12. (C) UN Department of Peacekeeping Operations (DPKO) Europe Division Chief David Harland and UN Kosovo Desk Officer Dennis Besedic met with DepPolCouns and Poloff immediately after Harland participated in a meeting on Kosovo with Secretary-General Ban Ki-moon and Department of Political Affairs Under Secretary-General Lynn Pascoe. (NOTE. DPKO Under Secretary-General Guehenno is on travel. END NOTE.) Harland said Ban had called the meeting upon getting a report from Guehenno that Quint political directors, led by the U.S. and the UK, had informed him that Ban's proposed way forward was unacceptable. Ban had Pascoe review a transcript of the Quint conference call with Guehenno after which Pascoe, according to Harland, said that there seemed to have been a miscommunication and that he would have expected the U.S. in particular to view reconfiguration of UNMIK prior to June 15 as "a big win." Ban then tasked Harland and DPKO with attempting to clarify matters for the Quint.

13. (C) Reading selected portions of the Quint call transcript, Harland suggested that Guehenno had done a poor job of explaining the UN proposal. Harland said the UN proposal can be understood only in light of what he called

the "magic words" of Russian Foreign Minister Lavrov. Lavrov, Harland said, had told Ban that Russia would no longer insist that reconfiguration requires a Security Council resolution if the UN were to make a good faith effort to engage Belgrade and Moscow on the reconfiguration plan. To effect such a good faith effort, the UN resurrected the six-point Government of Serbia proposal to the UN of last March and proposed responding to it while deflecting its call for what would amount to UN/Serbia co-governance of Kosovo. (NOTE. The so-called Samardzic Proposal calls for a UN-Serbia agreement on separate modalities of governance for Kosovo Serbs in the areas of policing, the judiciary, customs, public transportation, a boundary authority, and protection of cultural and religious heritage. END NOTE.)

14. (C) Harland said the proposed UN responses to the Samarzdic proposal were intentionally brief and general and fully consistent with the Ahtisaari Plan and the Quint's recent nonpaper on "A Residual UN Presence in Kosovo." As an example of the lack of substance of the proposed UN responses, he referred to the point on courts as saying nothing other than that new local courts would be created as needed. He thinks the only real offer in the entire package was to allow ethnic Serb Kosovo Police Service (KPS) officers in "certain" locations to report to international police rather than the Kosovo Ministry of Interior. This offer, he said, recognized the reality that ethnic Serb KPS in northern Kosovo had never reported to the new ministry and even improved on this reality by introducing the possibility that the international police involved in those locations could be EULEX rather than UN Civpol. Harland said U/SYG Guehenno had explained the package to Kosovo Prime Minister Hashim Thaci,

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making clear that there would be no UN-Belgrade agreement that was not fully endorsed by Pristina, and that Thaci had been supportive, even enthusiastic. Harland said UNMIK SRSG Joachim Rucker, "with whom DPKO has otherwise had its problems," was also fully supportive of the proposed way forward.

15. (C) Harland reported that Ban is anxious to present his UNMIK reconfiguration package to the Security Council very soon in order to begin its implementation well in advance of the June 15 effective date of the new Kosovo constitution. DepPolCouns, drawing on Ref B points, expressed concern that UNMIK reconfiguration not be made conditional on UN side-deals with Belgrade or Moscow. Harland replied frankly, saying, "You still don't get it. There need not ever be an agreement, just a good faith effort to look for one so the Russians will stand down in their insistence on a new resolution," adding that "we just want to push these cans down the road" so we can get on with reconfiguration.

16. (C) Harland closed the meeting by saying he would be repeating his presentation for other Quint missions and that SYG Ban would himself follow up with Ambassador Khalilzad in the hope of receiving a USG "green light" to transmit the package to the Security Council.  
Khalilzad